IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO. 646 OF 2004
FROM
ORDER IN NOTICE OF MOTION NO.2427 OF 2002
IN
SUIT NO.2978 OF 2002

1. Mrs.Marine Joseph Naronha & ors. Appellants

vs.

1.Lt.Col.Marcelline Noronha & ors. Respondents

Mr.Mihir Desai i/b. Ms.Sushmita Dababarman for the appellants.

Mr.Shailesh Shah i/b. M/s.Colomon & Co. for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 15th October 2004

P.C.

Heard.

2. It is not in dispute before us that the appellants have already taken out notice of motion for setting aside the impugned order and restoration of the notice of motion that came to be dismissed in default.

3. In view thereof, we find no justification in entertaining the appeal. Appeal is dismissed in limine.

4. Hearing of notice of motion no.1956/2004 is expedited.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)